

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES JEFFREY BUCHANAN,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
 DEPARTMENT, *et al.*,

Defendants.

Case No. 2:11-cv-00271-RCJ-GWF

ORDER

Motion to Compel (#31)

This matter comes before the Court on Plaintiff's Motion to Compel (Special Scheduling Review Requested) (#31), filed on March 14, 2012 and City Defendants' Non-Opposition to Plaintiff's Motion to Compel Dated March 14, 2012 (#32), filed on March 19, 2012. Plaintiff's motion seeks to compel discovery responses from Defendants LVMPD, Raschke, and Bible.

On January 23, 2012, Plaintiff served requests for admissions on Defendant LVMPD, Raschke and Bible; request for production of documents on Defendant LVMPD; and interrogatories on Defendant Bible. Defendants refused to answer the discovery requests because the responses were due after the close of discovery. Plaintiff then filed a Motion for Additional Interrogatories, Extend Discovery, and Compel Discovery (#17) on January 17, 2012. A hearing was conducted on February 21, 2012, where the Court denied Plaintiff's Motion for Additional Interrogatories and granted the Motion to Extend Discovery. (*See* #30.) It appears there was confusion between the parties as to the Court's ruling concerning the motion to compel. Plaintiff claims that because the discovery deadline was extended, Defendants were required to produce the discovery responses. It appears however from Plaintiff's representations that Defendants believed that the Court ordered Plaintiff to propound new discovery requests, and therefore refused to

...

1 respond to the already served discovery. To date, no discovery responses have been provided to
2 Plaintiff.

3 Pursuant to LR 7-2(d), "failure of an opposing party to file points and authorities in
4 response to any motion shall constitute a consent to the granting of the motion." Defendants failed
5 to file a response to this motion. Despite the confusion surrounding the Court's previous Order
6 (#30), the Court orders Defendants to respond to the following discovery requests served on
7 January 23, 2012: requests for admissions served on Defendant LVMPD, Raschke and Bible;
8 request for production of documents served Defendant LVMPD; and interrogatories served on
9 Defendant Bible. Defendants shall provide their responses to Plaintiff no later than May 9, 2012.

10 Plaintiff further requests an extension of the discovery deadlines for an additional sixty
11 days. The discovery deadline is currently set for April 24, 2012. (*See* #30.) Defendants' responses
12 to Plaintiff's discovery are due after the current close of discovery. The Court further notes that
13 there are other discovery disputes in this case which may require an extension of discovery. *See*
14 City Defendants Motion to Compel Discovery Responses from Plaintiff (#33). The Court therefore
15 finds that an extension of the discovery deadlines is warranted. The Court will grant a sixty day
16 extension of the discovery deadlines. Accordingly,

17 **IT IS HEREBY ORDERED** that Plaintiff's Motion to Compel (Special Scheduling
18 Review Requested) (#31) is **granted**. Defendants LVMPD, Raschke and Bible shall provide their
19 discovery responses to Plaintiff no later than **May 9, 2012**.

20 **IT IS FURTHER ORDERED** that the discovery cut-off is extended to and including **June**
21 **12, 2012**. The last day to file dispositive motions is **July 12, 2012**. The deadline to file the Joint
22 Pretrial Order is **August 13, 2012**. In the event dispositive motions are filed, the date for filing the
23 Joint Pretrial Order shall be suspended until 30 days after a decision of the dispositive motions.

24 DATED this 12th day of April 2012.

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26 
27 GEORGE FOLEY, JR.
28 United States Magistrate Judge